

## REMARKS

### Specification

It is noted that the abstract of the disclosure was objected to because it exceeds 150 words in length. Applicants have amended the abstract as prescribed in MPEP § 608.01(b).

### Claim Rejections – 35 U.S.C. § 103

In paragraph 4 of the present Office Action, Claims 1-4, 10-12, 14-17, 23-25, 27-30, 36-38, 40-68 have been rejected under 35 U.S.C. § 103(a) and being unpatentable over *Raymond et al* (US Patent No. 5,778,882) ("*Raymond*") in view of *Trudeau et al*, (US Patent No. 5,980,447. This rejection is respectfully traversed and reconsideration of the claims is requested.

With reference to Claim 1, Applicants respectfully submit that *Raymond* in view of *Trudeau* does not show or suggest the elements of Claim 1. Specifically, Claim 1 recites:

*prioritizing said plurality of actions according to said current health parameters and designated allowances for said particular user at said personal health monitoring system;*

It is submitted on page 3 of the present Office Action that the step of prioritizing is shown by *Trudeau* at column 5, lines 21-26 and column 10, lines 50-61. At the cited section of column 5, *Trudeau* teaches that one of its computer system software programs allows for interactively testing the user to provide an individual strategy of action based on the results of the test. At column 10, *Trudeau* teaches that its system recommends remedial actions and direction to tools, and ranks the tools in a progression of stress reducing actions. It can be seen that *Trudeau* is teaching a system of ranking available stress reducing actions and tools. While the ranking of these actions and tools is clearly driven by the level of distress in the patient, nothing within the reference suggests that such ranking or prioritization of actions and tools occurs as a function of "designated allowances for said particular user," as is recited in Claim 1.

Claim 1 has been further amended to recite:

*determining a priority level at which sufficient allowances are available for each of said plurality of actions in view of said designated allowances, wherein said designated allowances includes at least one type of allowance from among time allowances, financial allowances, and health allowances.*

On page 5 of the present Office Action it is submitted that this element of Claim 1 is shown by *Trudeau* at column 5, lines 13-55, column 6, lines 55-64, column 11, lines 47-63, and column 12, lines 4-46. At the cited section of column 5, *Trudeau* teaches a computer system for evaluating a level of stress of an individual, and providing a strategy of action to alleviate the stress based on the evaluation. Nothing therein suggests determining a priority level for a plurality of actions, let alone determining a priority level of actions "in view of said designated allowances." At the cited section of column 6, *Trudeau* teaches that the individual operating its computer system can selectively interact with recovery tools, but it does not describe prioritizing the actions "in view of said designated allowances," as is required by Claim 1. At the cited section of column 11, *Trudeau* teaches that its inference machine performs a cognitive profile of the individual based on a variety of unique factors for the individual. However, nothing in the teaching suggests that the ranking of actions or tools is based on "sufficient allowances" being available for those actions or tools as is recited in Claim 1. While the cognitive profile for the individual is used to determine the ranking of actions and tools, nothing in the reference suggests that such ranking is determined based on "sufficient allowances are available for each of said plurality of actions in view of said designated allowances" for said individual. Consequently, Applicants respectfully submit that the step of "determining" in Claim 1 is not shown or suggested by *Raymond* in view of *Trudeau*.

In summary, Applicants submit that *Raymond* in view of *Trudeau* do not show or suggest prioritizing actions based on "*designated allowances for said particular*" or the step of "*determining a priority level at which sufficient allowances are available for each of said plurality of actions in view of said designated allowances.*" Consequently, Applicants submit that the rejection of Claim 1 as being unpatentable over *Raymond* in view of *Trudeau* should be withdrawn. For similar reasons to those given above with respect to Claim 1, Applicants respectfully submit that Claims 2-4, 10-12, 14-17, 23-25, 27-30, 36-38, 40-68 are also not shown or suggested by *Raymond* in view of *Trudeau* and that the rejection of those claims should be withdrawn.

With regard to Claim 40, *Raymond* and *Trudeau* fail to disclose a method of scheduling tasks as recited in Claim 40. Claim 40 recites:

*selecting suitable times for scheduling said plurality of tasks in view of said current health parameters and designated allowances for said particular user at said personal health monitoring system, such that said personal health monitoring system aids said particular user in scheduling tasks in order to balance the comprehensive health of said particular user.*

It is stated on page 8 of the present Office Action that this step of Claim 40 is shown by *Trudeau* at column 5, lines 21-26 and column 10, lines 50-61, and it is suggested that someone skilled in the art would be motivated to combine *Raymond* and *Trudeau* by the teaching of *Trudeau* at column 4, lines 26-44. At the cited section of column 5, *Trudeau* teaches evaluating an individual for a level of distress and providing a strategy of actions to alleviate the distress based on the evaluation. At the cited section of column 10, *Trudeau* teaches the making recommendations of remedial actions. A crisis module ranks the available tools in a progression of stress reducing actions. Neither of these teachings makes any reference to a scheduling of tasks. There is no selection of "suitable times." There is no suggestion that scheduling of tasks occurs "in view of said current help parameters and designated allowances for said particular user" as recited in Claim 40. At the cited section in column 4, *Trudeau* talks about timing and scheduling of a user's mastery of recovery tools, but no other reference to any type of scheduling occurs. There is no reference to scheduling of "suitable times" and there certainly is no showing or suggestion that any type of scheduling of tasks occurs "in view of said current health parameters and designated allowances for said particular user." Consequently, Applicants respectfully submit that *Raymond* in view of *Trudeau* does not show or suggest the present invention as claimed in Claim 40, and Applicants request reconsideration of the rejection of that claim.

For the reasons given above explaining that Claim 40 is patentable over *Raymond* in view of *Trudeau*, Applicants submit that claims 41-66 are similarly not shown or suggested by the prior art of record and that the rejection of those claims should be withdrawn.

On page 12 of the present Office Action, Claims 5-7, 18-20, 31-33 have been rejected

under 35 U.S.C. § 103(a) and being unpatentable over *Raymond et al* (US Patent No. 5,778,882) and *Trudeau et al*, (US Patent No. 5,980,447) as applied to claims 1, 14, and 27 above, and further in view of *Goldman et al* (US Patent No. 5,542,420).

On page 14 of the present Office Action, Claims 8, 21, and 34 have been rejected under 35 U.S.C. § 103(a) and being unpatentable over *Raymond et al* (US Patent No. 5,778,882) and *Trudeau et al*, (US Patent No. 5,980,447) as applied to claims 1, 14, and 27 above, and further in view of *Diaz et al* (US Patent No. 5,890,128).

On page 15 of the present Office Action, Claims 9, 22, and 35 have been rejected under 35 U.S.C. § 103(a) and being unpatentable over *Raymond et al* (US Patent No. 5,778,882) and *Trudeau et al*, (US Patent No. 5,980,447) as applied to claims 1, 14, and 27 above, and further in view of Gulf Goans' Mailing List Newsletter, GOA-WORLD - WEEKEND POST NEWSLETTER - VOLUME XIII - 25 NOVEMBER 1998, <[http://www.goa-world.net/gulf\\_goans/nov31.htm](http://www.goa-world.net/gulf_goans/nov31.htm)>, ("*Goans Listserv*").

On page 16 of the present Office Action, Claims 13, 26, and 39 have been rejected under 35 U.S.C. § 103(a) and being unpatentable over *Raymond et al* (US Patent No. 5,778,882) and *Trudeau et al*, (US Patent No. 5,980,447) as applied to claims 1, 14, and 27 above, and further in view of Notes.Net Filtering Article, 1999, <[http://www-10.lotus.com/ldd/today.nsf/62f62847467a8f78052568a80055b380/4541559cb15c46e285256815007b107d/\\$FILE/mailrule.pdf](http://www-10.lotus.com/ldd/today.nsf/62f62847467a8f78052568a80055b380/4541559cb15c46e285256815007b107d/$FILE/mailrule.pdf)>, ("*Filtering Article*").

For the reasons given above explaining that Claim 1 is patentable over *Raymond* in view of *Trudeau*, Applicants submit that claims 5-9, 13, 18-22, 26, 31-35, and 39 are similarly not shown or suggested by the prior art of record and that the above four rejections of those claims should be withdrawn.

No fee is believed to be required by this amendment; however, in the event any additional fees are required, please charge those fee to **IBM Corporation Deposit Account Number 09-0447**.

Respectfully submitted,



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